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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,125	07/17/2003	Lisa Corcoran	021919-000810US	4472

20350 7590 09/19/2005

TOWNSEND AND TOWNSEND AND CREW, LLP  
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SAN FRANCISCO, CA 94111-3834

EXAMINER
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ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/623,125 07/17/2003 Lisa Curcoran 4472

EXAMINER
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Alie, Ghassem

ART UNIT	PAPER
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3724 20050914

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

See attachment.

Commissioner for Patents

***Bona Fide, Response to Election /Restriction***

1. The reply filed on 07/12/05 is not fully responsive to the Office Action mailed on 06/14/05 because: applicant has elected Species I (Figs. 13-14 and the unnumbered figure on top right corner of Fig. 2) that was not originally elected. Species I is directed to a die press system, as shown in unnumbered figure on the top corner of Fig. 2, which does not have a cutting pad or an adapter with a cutting pad. However, claims 1-3 and 6, which were originally elected by the applicant on 07/27/04 and have been examined, set forth a die press system that includes a cutting pad. Species I does not include a cutting pad. The cutting pad is included in other Species (e. g. Species II-V). It should be noted that applicant is constrained by original presentation to the claims or invention that originally have been examined. In response to the restriction requirement mailed on 06/14/05, applicant has elected the Species that has not been originally been elected and has presented more claims that correspond to the same Species. However, in response to the restriction requirement mailed on 06/14/05, applicant must elect a Species that corresponds to the Species that originally have been elected, presented, and examined. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

It should be noted that applicant traversal of the restriction requirement on the ground(s) that that claims 1, 7, and 11 are generic is not persuasive. Claims 1, 7, and 11 may be generic, but different Species have clearly been claimed and each Species, as identified by

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the Examiner in Office action mailed on 06/14/05, is patentably distinct from other Species. Claims 8-10 and 12-16 are directed to a Species that is clearly different from the Species as claimed in claims 2, 3, and 17. While the broad claims may be broad enough to encompass several Species, but they are not generic as defined by MPEP 806.04(D). Nevertheless, if an independent or superior claim that encompasses other claimed Species is allowed, rejoinder will be permitted as long as there is compliance with respect to 35 U.S.C., 2<sup>nd</sup> paragraph.

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purpose of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the six (6) month statutory period or obtain an extension for more than Five (5) MONTHS beyond the date for replay set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on (571) 272-4514. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information

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about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

GA/ga

September 14, 2005



Allan N. Shoap  
Supervisory Patent Examiner  
Group 3700